

EXHIBIT J

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA EMAIL

July 9, 2018

Alan R. Kabat, Esq.
Bernabei & Kabat, PLLC
1400 16th Street, N.W.
Suite 500
Washington, D.C. 20036-2223

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Alan:

We write in response to your letters of June 8, 2018 concerning the depositions of defendants Abdullah al Turki, Abdullah al Obaid, Abdullah Naseef, Adnan Basha, and Soliman H.S. al Buthe.

Initially, the suggestion in your letter that the delay associated with the scheduling of these depositions is in some way attributable to a lack of responsiveness on the part of the plaintiffs is nothing short of absurd. We initiated our efforts to schedule these depositions over five months ago, via a written communication sent on February 6, 2018. The letter you sent on February 12, 2018 on behalf of the Defendants' Executive Committee in "response" to that communication deflected the central questions posed by our letter, by instead raising several peripheral logistical issues that had no meaningful bearing on whether these defendants intended to fulfill their discovery obligations by appearing for their depositions. We pointed that out in a written communication sent on February 13, 2018, in which we again requested that you confirm that these defendants intended to appear for their depositions, and that each would promptly begin the process for obtaining visas to appear for their depositions at one of the Presumptive Deposition Locations specified in the Deposition Protocol.

On April 11, 2018, we participated in the call requested by the Defendants' Executive Committee relating to the identification and scheduling of third party witness depositions. At the time of that call, we explained repeatedly that the five individual charity defendants represented priority deponents from the perspective of the PECs, and that your failure to provide available

Alan R. Kabat, Esq.

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dates for their depositions was impeding the discovery process. Given the nature of the delays and other factors, we asked you directly on several occasions whether you could confirm that the five individual charity defendants intended to continue participating in the litigation, when you last had contact with them, and whether you had received any responses from them concerning our inquiries regarding the scheduling of their depositions. During that call, you declined to answer any of those questions, repeatedly demurring that you would have to get back to us. At the conclusion of that call, we all agreed to have a follow up call a few days later on April 16, 2018, and we made clear that we expected you to provide clear answers during that call to our questions about whether the charity defendants were continuing to participate in the litigation, and to provide dates on which they would be available for deposition. When we joined Steve Cottreau on the call on April 16, 2018, he advised that you had told him at the last minute that you would not be joining, due to some unspecified last minute conflict. We expressed to him our displeasure at that result, and asked him to convey to you our expectation that you would get back to us promptly concerning the issues we had raised during the call on April 11, 2018.

The letters you thereafter sent late in the day on April 16, 2018 were nothing more than a further effort at deflection. Once again, you failed to provide any dates for the depositions, and again presented various purported logistical challenges to the depositions that failed entirely to address the very direct questions we had posed to you. Given that we had already made clear on numerous occasions that we viewed the depositions of these charity defendants a top priority in the overall deposition process, it is ridiculous to suggest that we were obligated to waste more of our time responding to the deflection arguments raised in your letters of June 8, 2018, rather than simply expecting you to provide dates for the depositions of your clients.

Moreover, it appears that certain of the arguments you raised in your letters of April 16, 2018 were unfounded and/or inaccurate. For example, you stated in one of your April 16, 2018 letters that defendants al Turki and al Obaid “would have to be deposed by videoconferencing from Saudi Arabia.” However, in your most recent letter, you have indicated that defendant al Obaid “does have a travel visa for London,” and that defendant al Turki is in the process of seeking a visa to travel to London. Given those acknowledgements, we are left to wonder what basis you had to assert in the April 16, 2018 letter that those defendants could not travel to London. Your representation on that point is particularly concerning given the substantial indications that you may not have been in meaningful contact with these particular clients for some time. In light of those circumstances, we would ask you to clarify what basis you had for asserting that defendants al Turki and al Obaid could not travel to London for their depositions, a claim that has now proven to be unsubstantiated.

With regard to defendant Basha, your suggestion that he is relieved from the provisions of the Court’s order governing protocols for depositions in this MDL (“Deposition Protocol”) setting London as a presumptive location for depositions, based on defendant Basha’s alleged apprehensions about traveling “outside his home country, given the allegations against him and the prior designations of several IIRO branch offices,” does violence to the language of the Deposition Protocol and the discussions with the Court relating to the location of depositions.

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Neither the Deposition Protocol nor Judge Netburn's associated instructions remotely contemplate that a defendant can be relieved of the obligation to come to London based solely upon some alleged apprehension about traveling to another country. Stated simply, you have provided no legitimate basis to suggest that defendant Basha is incapable of traveling to London, and we therefore expect him to appear in London for deposition pursuant to the Deposition Protocol.

Finally, your attempts to deflect our request for available dates for defendant al Buthe's deposition, based on your claims that he would "have to assert the Fifth Amendment privilege against self-incrimination," and suggestion that his deposition would be unproductive to plaintiffs as he is the only remaining "al Haramain" defendant in the case, are completely irrelevant and hardly warrant a response. Once again, we made clear during our prior calls and correspondence that we intended to go forward with the deposition of defendant al Buthe, and that we viewed his deposition to be a priority in the overall deposition process. The discovery proceedings are ongoing as to defendant al Buthe, and we face an impending scheduling deadline to complete discovery in regards to our claims against him. The potential that he may invoke the Fifth Amendment against self-incrimination in response to certain questions posed at his deposition is entirely irrelevant, as are your "concerns" about whether that deposition will be productive to the overall goals of the plaintiffs.

We are enclosing notices of deposition for defendants al Turki, al Obaid, Basha, and al Buthe, scheduling their depositions for dates between September 10, 2018 and September 18, 2018. Please confirm promptly that the witnesses will appear for deposition on these dates.

As to defendant Naseef, we will await receipt of the affidavit relating to his medical condition required by the Court's Opinion and Order of July 6, 2018 (ECF No. 4043) and advise how we propose to proceed after we have had a chance to review that affidavit.

Regards,

COZEN O'CONNOR



By: Sean P. Carter, on behalf of the PECs

SPC/bdw

Enclosures

cc: Members of Plaintiffs' Executive Committees (via Email)
Members of Defendants' Executive Committee (via Email)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to: *All Actions*

NOTICE OF DISCOVERY DEPOSITION

PLEASE TAKE NOTICE that on September 10, 2018, beginning at 8:30 a.m. BST and lasting until 4:30 p.m. BST, and continuing on September 11, 2018, beginning at 8:30 a.m. BST and lasting until 12:00 p.m. BST, at the law offices of Cozen O'Connor, 140 Fenchurch Street, Third Floor, London, EC3M 6BL, United Kingdom, the undersigned, for the Plaintiffs' Executive Committees in the above-captioned matter, will take the oral discovery deposition of ABDULLAH AL TURKI pursuant to Federal Rule of Civil Procedure 30. The discovery deposition will be recorded by stenographic means and will be videotaped.

The discovery deposition will proceed in accordance with the Federal Rules of Civil Procedure and will relate to all actions.

Dated: July 9, 2018

Respectfully submitted,

/s/ Sean P. Carter
Sean P. Carter, Esq.
J. Scott Tarbutton, Esq.
COZEN O'CONNOR
1650 Market Street, 28th Floor
Philadelphia, PA 19103
(215) 665-2000

*Attorneys for the Plaintiffs' Executive
Committees*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 2018, I caused a copy of the foregoing Notice of Discovery Deposition to be served by email upon the following for their further distribution to counsel for all parties in this action:

Jodi Westbrook Flowers, Esq.
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/s/

J. Scott Tarbutton, Esq.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Respectfully submitted,

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/s/

J. Scott Tarbutton, Esq.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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NOTICE OF DISCOVERY DEPOSITION

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Dated: July 9, 2018

Respectfully submitted,

/s/ Sean P. Carter
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